

STATE LOSES R. R. RATE CASE

U. S. COURT HOLDS MINNESOTA LAWS UNCONSTITUTIONAL.

State May Not Regulate Rates If Such Regulation Causes Confession or Affects Interstate Commerce—Rates Shown Not to Have Been Exorbitant.

MINNEAPOLIS, April 8.—Judge Walter H. Sanborn, senior United States Circuit Judge of the Eighth Judicial Circuit, in an exhaustive opinion handed down in St. Paul to-day decided the Minnesota rate case against the members of the Minnesota State Railway Commission on the ground that the necessary effect of the reductions ordered was substantially to burden and directly to regulate interstate commerce, to create unjust discriminations between localities in Minnesota and those in adjoining States, in violation of the commercial clause of the Constitution, and to take the properties of the railroad companies without just compensation, in violation of the Fourteenth Amendment to the Constitution.

The case will be appealed to the Supreme Court of the United States.

The suits were brought by stockholders of the Northern Pacific Railway Company, the Great Northern Railway Company and the Minneapolis and St. Louis Railroad Company against these companies, the Attorney-General and the members of the Railway and Warehouse Commission of Minnesota to enjoin the reduction of the passenger rate in Minnesota from three cents to two cents a mile, the merchandise rates 20 to 25 per cent., and the commodity rates 7.37 per cent.

The railroad companies had put all these reductions, except that on commodity rates, into effect, and the cases were begun and tried after the effect of these reductions had become apparent.

Judge Sanborn in his decision holds:

That the laws of the State reducing passenger rates 33 1/3 per cent., and reducing commodity rates 7.37 per cent., are discriminatory and in violation of the Constitution of the United States.

That the Railway and Warehouse Commission's order reducing general merchandise rates within the State is discriminatory and in violation of the Constitution of the United States.

That a State may regulate interstate commerce in so far as it does not burden interstate commerce and no further.

That the nation only through the national Congress can regulate interstate commerce rates.

That all State laws that regulate rates, which laws affect or burden or regulate interstate commerce, are unconstitutional and void.

That the unavoidable effect of the sweeping laws of Minnesota reducing and regulating rates is indirectly to discriminate against interstate commerce and in direct violation of the commerce clause of the Constitution.

The basic facts that apply, as summed up in Judge Sanborn's opinion, follow:

The unavoidable effect of the general and sweeping reductions of intrastate fares and rates in Minnesota made by the acts and orders considered was and is substantially to burden, directly to regulate and to discriminate against the interstate commerce of the defendant companies and to create undue and unjust discrimination between localities in Minnesota and those in other States in violation of the commercial clause of the Constitution.

The just compensation secured by the Fourteenth Amendment entitles the defendant railroad companies to a fair return upon the reasonable value of their property in Minnesota devoted to the public use of transportation. Such a return is just to the public as well as to the carriers.

Under the evidence in these cases the cost of reproduction now of the Minnesota properties of the defendant companies devoted to the public use of transportation is more persuasive evidence of their value than the market value of their stocks and bonds or the original cost of their acquisition and construction.

Rate making looks to the future and is a legislative function. Rate judging, determining whether or not rates made are confiscatory, is a judicial function. There is a presumption in the first instance that legislatures and commissions make reasonable and just rates, and clear proof is requisite to overcome it. But when, after rates and rates have been tried by actual use for months, after the facts determinative of the issue of confiscation have been made before a master learned in the law who finds the facts, the legal or judicial presumption that his findings are just and right, while not conclusive, is superior to the original presumption that the rates were just and reasonable.

Interest on the cost of reproduction of railroad property at 4 per cent. per annum during one-half the time requisite to acquire and construct it is a necessary expense of reproduction and may be lawfully allowed as such.

MASSACRE IN BURMA.

Two Englishmen and 48 Coolies Butchered by Abor Savages.

Special Cable Dispatch to THE SUN.

CAIRO, April 8.—The report is confirmed that Mr. Williamson, the British assistant political officer at Sadiya and Lahmang in upper Burma, and a party consisting of him were murdered on the borders of Assam by Abor savages.

Mr. Williamson and Dr. Gregorson, accompanied by fifty coolies, were ascending the Dhong River. They were unarmed and on a friendly mission when they were suddenly attacked.

The two white men and forty-eight of the coolies were massacred. Two coolies escaped and brought the news of the massacre to the nearest town.

WILLIAMS RAIDERS WIPED OUT.

Mexican Troops Slaughter American Band of Insurgents.

CALISCO, April 8.—Gen. Stanley Williams and the Americans under his command were practically annihilated to-night in a battle with Mexican Federal troops under command of Col. Mayot south of Mexicali. Williams was killed and those who followed him into the conflict against tremendous odds met the same fate or were taken prisoners.

It is said that nearly all his followers were young Americans, roving seekers of adventure. Williams himself was a deserter from the United States Army, in which he was a quartermaster-sergeant.

Yesterday Williams and his men raided the Cudahy ranch and the one owned by the California Mexican Land and Cattle Company, taking many mules and horses. These were used when they left Mexicali this morning to carry extra guns, ammunition and supplies. Although there were only eighty-five men in the party they boldly marched away to meet the Mexican troops under Col. Mayot, who halted his men at Packard Station, five miles southeast of Mexicali.

It was Col. Mayot's plan to attack Mexicali to-morrow, but he was compelled to fight at Packard, at which point Williams had blown up a bridge to check his advance. Col. Mayot had between 400 and 500 men, comprising Diaz's famous "Fighting Eighth" battalion, and several machine guns, and the Americans were slaughtered in ruthless fashion. The Federal loss was heavy.

THOUGHT HE WAS DYING.

Cornell Then Made a Confession Which Resulted in a Divorce Suit.

Told that he was dying following an operation for appendicitis, Arthur Cornell made a confession that prompted Max Wachter to sue his wife, Martha Wachter, for absolute divorce. The action was tried yesterday before Justice Maddox in a special term of the Queens county Supreme Court. Long Island City Lawyer Robert H. Wickert appeared for Wachter. No one was present representing Mrs. Wachter and it developed during the testimony that she was away in Canada.

Wachter gave his address as 635 Orendonk avenue, Ridgewood, and when Cornell took the witness stand he gave his address as 125 New Jersey avenue, East New York. He then told of several occasions during the spring of 1908 on which he met Mrs. Wachter at a theatre in Brooklyn, after which they went away together.

"What prompts you to make this confession?" asked Justice Maddox.

"I was taken to Seasey Hospital in August, 1909," said the witness, "where an operation was performed for appendicitis. After the operation I was told I could not live. While I was in the hospital Mrs. Wachter called to see me and this aroused the suspicions of my wife's sister, Sarah Brazee. She said there was something on my mind, and I better tell it before I died. I then told of my relations with Mrs. Wachter, and afterward I got well."

Cornell said he is living with his wife and they have two children. He also made a full confession to his wife.

"Did you tell this woman you were going to confess?" asked the court.

"No, I did not."

"Did you tell her you had confessed?"

"No, but I wrote her and told her I was through."

Justice Maddox reserved decision.

OUTFIELDER INTO RIVER.

Bennie Holden, Aged Six, Leaped for High Ball and Went Off Pier—Saved.

Six-year-old Bennie Holden of 400 East Sixty-third street, playing baseball on the city dump at the foot of East Seventy-first street late yesterday afternoon, lunged backward for a high ball, leaping in the air as he did so. Bennie had been fielding close to the string piece and his jump took him out into the East River.

The tide was hustling and Bennie came up a hundred feet from shore and well up stream. He could not swim, but his clothes buoyed him up for a moment. His playmates set up a shrill cry for help.

Two employees of the Dock Department, Daniel Sullivan of 1400 Lenox avenue and Richard Connors of 150 East 113th street, raced up stream on the wharves. By the time they had reached Seventy-third street Bennie was just above them.

Sullivan slipped out of his coat and telling Connors to get a rope, dived overboard. As he did so Bennie went down for the second time.

A moment later Sullivan reached him, the boy was unconscious. Sullivan turned Bennie on his back, grasped him by the collar with one hand and swam for shore. At this point the water cut off from the shore with tremendous force and Sullivan was hardly able to fight his way through the eddy. When he got within twenty-five feet of the shore Connors's rope reached him.

Some one in the crowd began to work on Bennie, and Sullivan was rolled on a barrel to get the water out of him. Then Dr. Devan exorcised the boy.

After hearing Holmes's story Mrs. Sullivan slipped out of his coat and telling Connors to get a rope, dived overboard. As he did so Bennie went down for the second time.

A moment later Sullivan reached him, the boy was unconscious. Sullivan turned Bennie on his back, grasped him by the collar with one hand and swam for shore. At this point the water cut off from the shore with tremendous force and Sullivan was hardly able to fight his way through the eddy. When he got within twenty-five feet of the shore Connors's rope reached him.

HELD UP BY HIS WIFE.

Mrs. Holmes Had Peculiar Notions About Her Rights—Judge Adds Husband.

Leveler S. Holmes was before Justice Maddox in the Queens county Supreme Court yesterday on an action begun by his wife to pay her \$107 for the support of their son, 19 years old.

"I could pay her in two days," said Holmes, who pleaded his own case, "but a few days ago when I had dinner with her in her own mother's home and tried to get her to sign a mortgage of \$1,000 for me she wanted me to pay her \$400 first. She held me up for \$400."

"Yes, your Honor, she held me up for \$400 to sign a \$1,000 mortgage."

"Did you ask for two weeks? Well, I'll do better. I'll give you two months time. A woman to hold up a man in that fashion!"

Holmes lives at 481 Laight street, Brooklyn, and with his brother runs a trucking business. After hearing Holmes's story Mrs. Holmes's attorney told the court he knew nothing concerning the mortgage incident. Justice Maddox advised the lawyer and Holmes to hold a conference, and later they reported that Holmes had agreed to pay the amount within a month.

Mrs. Holmes's lawyer also informed the court that from what he could gather his client was of the impression that she had the right to demand and collect her supposed dower rights in her husband's property as the business went along.

MURDER OF A STATION AGENT

CHARLES H. CONKLIN OF CROTON LAKE FOUND DEAD.

Arriving Passengers Discovered His Body Last Evening—Place Had Been Robbed—His Son Telegraphed to Despatcher to Send Help There at Once.

Charles H. Conklin, the station agent at Croton Lake, a station on the Putnam division of the New York Central Railroad thirty-four miles north of New York, was shot and killed at about 8 o'clock last night. He was also the postmaster at Croton Lake and was about 55 years old.

His son, Charles Conklin, Jr., sent over the wire to the train despatcher's office at White Plains a message saying that his father had been shot. The police don't know who did the shooting. Two arrests were made in this city later in the evening, but the men were let go.

Conklin was in his office at 7:35 o'clock sending a report to the despatcher. He shut off his key and took a commercial message from an engineer on the new aqueduct and proceeded to send it. The engineer was Thomas May of 717 Charles street, West Hoboken. May wanted to tell his wife that he would be home by 11 o'clock. Conklin took the message, notwithstanding that the rules of the company allowed him to go home for the day at 7:30 P. M. He was still working at his instrument when the 7:36 train for New York pulled out, taking May and a companion.

That was the last seen of the station agent until about ten minutes later, when the evening train from New York paused at Croton Lake. Some of the men strayed into the waiting room to say good evening to Conklin, and to ask him why he was at work after hours. They found him lying on the floor. He had been shot three times. The office was in disorder. The money which Conklin had taken in during the day—amounting, to about \$100—was gone also. The appearance of things was such as to make the observers figure that Conklin had put up a good fight for the company's money before the marauders shot him.

Charlie Conklin, who was in the habit of going to the station to walk home with his father, found the passengers in the office standing around his father's body. Charlie asked them if they had done anything about it and they said they hadn't because they didn't know how to use the telegraph instrument.

Charlie knows how to send a message, but he can't receive. So he sat down to the key, called for the despatcher's office at White Plains and sent this message:

"My father has been held up and murdered. Send help."

He ticked this message off over and over again. He couldn't tell from the answer whether or not his call had been picked up.

The despatcher sent orders to the following train, which doesn't regularly stop at Croton Lake, to slow up long enough to find out what happened. The passengers from the earlier train were still there and so was Charlie Conklin, but the conductor couldn't figure any better than they who had done the shooting.

A telegrapher, however, looked over the messages and found that the one filed by May was the last thing that Conklin had done, and they reasoned that May was one of the last persons who saw the station agent alive. So the call went out to the New York police to arrest May and Charles Herbig, his companion, when they got to New York. Except for one Italian who got off the train at Elmsford they were the only passengers by the 7:36 who got on at Croton Lake.

The police of the West 152d street station were on hand when the train reached 155th street. They found May and his companion with no trouble at all. The two aqueduct workers readily consented to go to the station with the police to await whatever action might be forthcoming. Later R. H. Burke, chief of the aqueduct police, came down from Croton Lake and agreed that May and Herbig knew nothing of the murder. They were allowed to go home. They said, though, that if they were wanted later they would gladly answer to a summons.

The country around Croton Lake is wild. The murderers could readily make off to the hills. There are many camps of Italians in the neighborhood and they could easily find shelter. The Coroner of Westchester county at Ossining thought that some aqueduct workmen, knowing that on Saturdays the receipts at Croton Lake are seven times as heavy as on other days, may have done the murder.

THREE NEGROES LYNCHED.

Mob Takes Suspects From Jail and Hangs Them.

ELLAVILLE, Ga., April 8.—A squad of masked men entered the jail here at 3 o'clock this morning, got three negroes who were suspected of complicity in the killing of Newton Eason, a white man, carried them to the outskirts of the town, hanged them to trees and riddled their bodies with bullets.

The victims of the mob were Dawson Jordan, Charlie Pickett and Murray Burton. The negroes had been in jail here since January 2, on which date Newton Eason was killed. The members of the mob told Cliff Raugh, the jailer, that they had a prisoner, and when he opened the door they seized him and made him unlock the cell door.

The negroes had never had a commitment trial and were held upon the verdict of the Coroner's jury. Eason was killed in a negro store in what is called the "Bottom" on January 2 last. All the witnesses to the killing were negroes. The evidence showed that Eason had no business in the negro store and that he was creating a disturbance when he came to his death. There was no evidence directly connecting the negroes lynched with Eason's death.

LAWRENCEVILLE, Ga., April 8.—Charles Hale was taken from jail and lynched by a mob here last night. He was accused of attacking a white woman.

FLORIDA—CUBA SPECIAL, 12:35 P. M. Atlanta-Birmingham Special, 2:05 P. M. Electric Lighted street car, 3:00 P. M. Jacksonville, Fla., 3:30 P. M. Birmingham, Ala., 4:00 P. M. St. Paul, Minn., 4:30 P. M. New York, N. Y., 5:00 P. M.

ABE RUEF'S BIBLE CLASS.

San Francisco Grafter Interests Fellow Convicts in Study.

SAN FRANCISCO, April 8.—Abe Ruef, who is serving a fourteen year sentence in San Quentin for bribery, has started an evening Bible class for convicts which promises to be popular.

Ruef found his two cellmates reading trashy novels, so from dinner time until the lights went out he talked to them about the Bible.

They told others, and soon Ruef had a score of auditors. Now he has agreed to deliver a series of sermons in the prison chapel on Sundays.

Ruef is an excellent talker. He says the Bible has been his chief reliance in times of trouble.

Ruef has been buying books of mechanics and agriculture for the prison circulating library, and he has urged convicts to read them so that they may be prepared for useful work when discharged.

TO BACK UP LORIMER CHARGES.

Bank's Books Said to Bear Evidence of a \$100,000 Fund.

CHICAGO, April 8.—The committee investigation of the Lorimer election scandal was brought to Chicago to-day.

While Senator Lorimer was preparing to return to Washington members of the Helm Senatorial committee, who had just come from Springfield, went into executive session at the Hotel La Salle.

Senator Lorimer remained closeted at the La Salle Street National Bank until long after the noon hour. It was said he was in conference with his Illinois leaders outlining plans for his defence. He left for Washington late this afternoon.

Senator Lorimer, reached by telephone, refused to discuss any charges in connection with his election. "I have nothing to add to my earlier comment, which is that I will answer all charges on the floor of the Senate," said he. "I am not disturbed over anything that is being said. I am going back to Washington. There all may hear my answer when the time comes."

That the real crisis is rapidly approaching for the Senator was indicated by the finding of evidence which would have direct bearing on the charges of Clarence S. Funk, the International Harvester Company manager, who told the Helm committee that he had been in contact with Lorimer. It was said that books and records of a bank would be used in support of the Funk charges.

Meanwhile Sergeant at Arms Zinn of the Helm committee and five assistants were secretly rounding up rich packers and bankers and others who will be questioned by the committee.

FRENCH SECRETS STOLEN.

Twenty Foreign Office Papers Involved in Trial of Spies—Paris Wire.

Special Cable Dispatch to THE SUN.

PARIS, April 8.—An investigating magistrate began to-day the interrogation of Rouet, the employee of the Foreign Office, Maimon, the Anglo-Egyptian journalist, and Paillet, the latter's secretary, who are alleged to have secured important documents in connection with the Bagdad Railway and affairs in Morocco and sold them to Germany. The men are accused of espionage.

The proceedings were private, but the evening papers say the Magistrate showed some twenty documents which had been seized at the house of Maimon. Rouet asserted that he supplied only four of these documents, all of which concerned the Bagdad Railway.

If this be true it shows that Maimon had other sources from which he obtained State papers. The question as to what documents have been copied in the Foreign Office is arousing great anxiety. The Government is evidently making an effort to create the impression that they are limited to Asia Minor and Persian railway matters.

This is confirmed by two leakages which have already been traced, namely, the publication in London of the Russo-German agreement after the meeting at Potsdam of Emperor William and the Czar and the publication by the Temps on February 2 of messages between France and Turkey while they were negotiating in regard to French railway concessions in Anatolia and Albania. It is denied that Rouet could possibly have had access to the Spanish secret treaty of 1904.

Maimon is said to have been born at Bassorah, Asiatic Turkey, of Hebrew origin. He has declared that he is a British citizen. This statement cannot be verified.

KID MCOY'S LICENSE GONE.

Appellate Division Reverses Justice Brady and Tells Why.

Supreme Court Justice Brady's refusal of the application of State Excise Commissioner Clement that the liquor license for Kid McCoy's Hotel Normandie be revoked, having been reversed yesterday by the Appellate Division of the Supreme Court and the petition was granted.

Justice Scott, writing the decision, noted that the trial Judge had accepted the petitioner's testimony as substantially true, but considered that it fell far short of establishing acts of disorder so general as to demand a revocation of the license. He remarked that the place was under the management of an "ex-prizefighter" and said that certain women in the place conducted themselves in "the frankest and most disgusting manner."

Justice Scott said that in the face of such evidence it was of little moment that certain apparently respectable persons visited the place and that certain police officers had never happened to see anything disorderly and that the manager and his employees said they had never observed any indecent or improper actions. If the latter did not see it was because they would not.

As to Justice Brady's suggestion that the place was no worse than many other hotels, restaurants or places of public resort, and that no matter how carefully managed a place might be it would be visited at times by immoral persons, Justice Scott said:

"Of course we are not influenced by such absurd suggestions. If such practices as were permitted here were permitted in any other place the liquor license of that other place ought to be revoked."

WAS RICH AND NO ONE KNEW IT

FRUGAL OLD FISHKILL BACHELOR DIED A MILLIONAIRE.

After William H. Badeau Was Gone, Leaving No Will, They Found \$550,000 Worth of Securities in His Strong Box and He Owned Much More Property.

POUGHKEEPSIE, April 8.—Living so frugally that his neighbors never dreamed that he was wealthy, the death of William H. Badeau of Fishkill, at the age of 58, has brought out the fact that he possessed a large fortune. In his safe deposit vault at the Matteawan National Bank Mr. Badeau had bonds and mortgages enough to fill a good sized trunk. A list of these securities and their value is being prepared which shows that the old man owned personal property valued at \$550,000, and in addition to this it is expected that his holdings in realty will foot up many thousands more. It would not be surprising if he was worth more than a million.

Mr. Badeau never married and left no will. His nearest next of kin is a brother, Joseph N. Badeau of Fishkill, and a sister, Mrs. Matilda S. Robinson of Cold Spring. Both are in moderate circumstances. Joseph N. Badeau is a machinist who has been employed for many years at the Fishkill machine works.

Surrogate Hopkins to-day appointed La Tourette Brinckhoff administrator of William H. Badeau's estate, fixing bonds at \$200,000. It was in addition stipulated that \$488,181 of the securities of the estate should remain under lock and key in the Matteawan Savings Bank and that no person save the proper officers of the bank shall receive any of the principal or interest.

Former County Judge Phillips, attorney for the heirs, said to-day that while William H. Badeau's relatives believed he was comfortably off, they were not prepared for the revelation that he possessed such a large fortune.

"Mr. Badeau was not a man of conspicuous business ability," said Judge Phillips. "He was not interested in any large commercial enterprise. He acquired his money by saving it and investing it in good securities. The size of his estate is explained by the unusual length of his life. He was for years in receipt of an income of between \$25,000 and \$30,000, but he lived so modestly that nobody suspected it. At the same time he was miserly and gave modest sums frequently to local charities and benevolences."

For a number of years Mr. Badeau had travelled for the firm of E. & H. Anthony & Co., dealers in photographic supplies. He spent much time in Paris and other art and commercial centres abroad.

Twenty-five years ago he retired. Although he had never been west of Buffalo, most of Mr. Badeau's time was invested in Western bonds and mortgages. He was vice-president of the Glidden Co., National Bank, which he had never seen, and owned a large amount of stock in it.

LIPPINCOTT A SUICIDE.

Coroner Finds Too That Publisher Was Not Mentally Deranged.

PHILADELPHIA, April 8.—A verdict of suicide was returned by the Coroner's jury to-day in the case of Craig Lippincott, president of the publishing firm of J. B. Lippincott Company, who was found dead in his home on Thursday morning.

The verdict was rendered after evidence had been given by Oscar Stewart, a negro valet, and George McKewer, a deputy coroner. The valet told of finding Lippincott's body and a revolver he had bought three days before on a table within a few inches of his hand. A wound near the right temple showed where the bullet had entered.

Deputy McKewer said the only motive he could give for suicide was that Mr. Lippincott had been a sufferer from stomach trouble.

Coroner Ford told the jury that Dr. Remig, one of his physicians, had reported that the revolver had been held within an inch of Mr. Lippincott's head when the shot was fired. This, the Coroner said, removed all doubt as to whether the shooting had been accidental.

The Coroner said further that his investigation had failed to disclose that Mr. Lippincott was mentally deranged when he shot himself. "There is no evidence to show," he said, "that this man at any time was even slightly deranged."

BOXING BENEFIT STOPPED.

Management Said the Mayor Approved but the Police Stopped It.

The Brighton Beach Athletic Club had arranged to hold a benefit last night at the home of the club on West Seventeenth street, Coney Island. Circulars had been sent out saying that the returns from the benefit would go for the fund for the relief of the families of those lost in the Aech Building fire and several star boxing bouts were on the programme.

Among the fighters to appear was K. O. Brown. The management announced that a letter had been sent to the Mayor asking for his approval and that a favorable reply had been received.

As the first two fighters stepped into the ring Inspector Dooley of the Coney Island police and Capt. Robinson jumped between them. They announced that the benefit was off and that they had warrants for the arrest of several of the fighters that were to box. A warrant was served on Henry Phillips, a Coney Island boxer, and he was taken to the police station and later admitted to bail.

The spectators waited while two fighters went through a burlesque bout and then fled out disgruntled. The backers of the club say that they received unfair treatment at the hands of the police, as it was a simple pure benefit that they had arranged.

GERMANY BUYS WRIGHT FLYER.

Wilbur Says It's One of the Very Latest Type Aeroplanes.

Special Cable Dispatch to THE SUN.

BRUXELLES, April 8.—Wilbur Wright before leaving to-day for Paris told THE SUN correspondent that the German Government had purchased one of the latest types of the Wright machine.

YOKUM HURRIES TO DAUGHTER

Special Train Bringing Him From Texas to Her Bedside.

FORT WORTH, Tex., April 8.—B. F. Yoakum of New York, chairman of the board of the Frisco Railroad system, is hurrying to New York to-night to his sick daughter and her baby.

Advice from Denison to-night says that Yoakum arrived there on a special train on the Missouri, Kansas and Texas Railroad at 3 o'clock, changed engines and inspected cars in three minutes and started to St. Louis. Fifty miles an hour speed is maintained.

Mr. Yoakum abandoned his inspection of the Frisco lines in Texas upon receipt of news of the illness.

COURT CABAL AGAINST SAGAN.

That's the Reason He's Passing Along the Talleyrand Duchy, He Says.

Special Cable Dispatch to THE SUN.

PARIS, April 8.—Hélie, Duke de Sagan, and provisional Duke de Talleyrand-Périgord, told THE SUN correspondent to-day that the report that he had relinquished the investiture of the Talleyrand-Périgord title in favor of his son, Charles Howard Jason, was premature.

The matter awaits the return of Sagan's brother, the Duke of Valencay, who is now on a yachting trip in the Red Sea.

When the final arrangements for the investiture have been completed the Count Kanitz, being named the feudal tutor for the boy, will take the oath of fidelity to the Grand Duke of Silesia, who is, in fact, the King of Prussia and German Emperor. The boy will remain French.

De Sagan complained that the trouble about the duchy arose from a cabal against him at the Berlin court, where an endeavor was made to persuade the Kaiser to refuse to sign the investiture. It is for this reason, he says, that he accepted the arrangement of transferring the investiture to his son.

HENRY S. PAGE THROWN AGAIN.

Amateur Steeplechase Rider Unconscious After a Fall at Meadow Brook Course.

HENRY, N. J., April 8.—Henry S. Page, who is one of the best known amateur cross-country riders in this country, and who has probably had more accidents and broken bones than any other rider in this country, met with another close call this morning, and for a time it was feared that he had been killed.

Mr. Page has several hunters and steeplechasers in training for the coming season. He personally oversees the work of putting the finishing touches to the horses' condition. This morning he was riding Far West over the Meadow Brook Club course and in clearing the Liverpool Far West tipped the top rail and came down heavily. Mr. Page was thrown against the wing of the jump and struck on his head. He was rendered unconscious. After a few minutes he was resuscitated and taken to his